

Idaho Court Administrative Rule 54.1. Ex Parte Communication

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(a) In order to carry out the court's oversight role in monitoring compliance in conservatorship or guardianship proceedings, communications which might be considered ex parte communications under Canon 3(B) of the Code of Judicial Conduct, may be received and reviewed by the court under the provisions of this rule.

(b) If the communication raises a concern about a guardian or conservator's compliance with their statutory duties and responsibilities, the court may:

1. Review the court file and take any action that is supported by the record, including ordering a status report, inventory, or accounting;
2. Appoint a Guardian ad Litem;
3. Refer the communication to a court investigator, visitor, attorney, or Guardian ad Litem for further action;
4. Refer the matter to the appropriate law enforcement agency or prosecutor's office;
5. Refer the matter to the appropriate licensing agency;
6. Refer the matter to appropriate agencies, including but not limited to child or adult protective services;
7. Set a hearing regarding the communication, compel the guardian or conservator's attendance, and/or require a response from the guardian or conservator concerning the issues raised by the communication;
8. Decline to take further action on the communication, with or without replying to the person or returning any written communication received from the person.

(c). If the communication does not raise issues of compliance and would otherwise be prohibited ex-

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parte communication under Canon 3(b) of the Code of Judicial Conduct, the court shall:

1. Return the written communication to the sender, if known; and
2. Disclose the communication to the guardian or conservator, Guardian ad Litem, and all parties and their attorneys.

(d). The court shall disclose any ex parte communication reviewed under section 2 of this rule, and any action taken by the court, to the guardian or conservator, Guardian ad Litem, and all parties and their attorneys, unless the court finds good cause to dispense with disclosure. If the court dispenses with disclosure, it must make written findings in support of its determination of good cause and preserve the communication received and any response made by the court. The court may place its findings and the preserved communication under seal or otherwise secure their confidentiality.

(Amended May 15, 2013, effective July 1, 2013.)

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